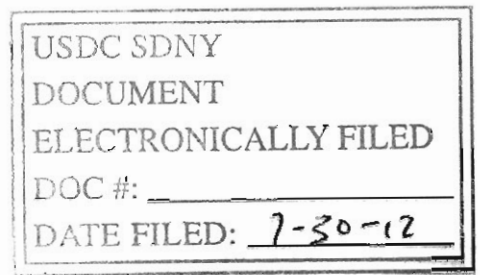


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



WARREN W. BADER, PUBLIC ADMINISTRATOR,
AS EXECUTOR OF THE ESTATE OF
BENJAMIN OKORIE and LEE SOH MIAN, a/k/a
MONA OKORIE, Individually and as WIFE OF AND
NEXT OF KIN TO BENJAMIN OKORIE,

X

Plaintiffs,

Civil Action No.: 11 Civ. 4073

- against-

JOHN TOMASZEWSKI, LENZNER COACH LINES,
LENZNER TOUR AND TRAVEL LTD.,
COACH USA INC., and COACH LEASING INC.,

Defendants,

X

ORDER APPROVING OF COMPROMISE AND DISTRIBUTION + Dismissal

THIS MATTER COMES BEFORE THE COURT UPON THE REQUEST AND
CONSENT OF ALL PARTIES FOR COURT APPROVAL OF THE SETTLEMENT OF THIS
MATTER,

The Court Makes The Following Findings Of Fact To Which All Parties Stipulate:

1. That the Decedent Benjamin Okorie, was survived by his wife, whose pedigree
information is as follows:

<u>Name:</u>	Lee Soh Mian
<u>Malaysian Identification No.:</u>	631222-10-7198
<u>Malaysian Passport No.:</u>	20547837
<u>Date of Birth:</u>	December 22, 1963
<u>Present Age:</u>	48

2. That there are no other beneficiaries other than the decedent's wife.
3. That Warren W. Bader, in his capacity as the Public Administrator of Onondaga County
was duly appointed, as Administrator of the Estate of Benjamin Okorie, the deceased and
Limited Letters of Administration of the Goods, Chattels and Credits were issued on

September 22, 2010.

4. That said Letters of Administration have not been revoked and are in full force and effect.
5. That no bond was required of the Public Administrator to cover any probate amount to be realized from the instant action.
6. On September 17, 2010, the Decedent's wife retained the Law Office of Michael H. Joseph, PLLC, to pursue the wrongful death and conscious pain action and it was agreed that the fee would be Thirty Three and One Third Percent of any monetary recovery, after deduction of costs and disbursements. On October 27, 2010, the Public Administrator likewise, retained the Law Office of Michael H. Joseph PLLC to pursue the wrongful death and conscious pain action and it was agreed that the fee would be Thirty Three and One Third Percent of any monetary recovery, after deduction of costs and disbursements. It was further agreed that the aforementioned fee would be split between the Law Office of Michael H. Joseph PLLC and Costello, Cooney, Fearon, PLLC, the attorneys for the Public Administrator with the Law Office of Michael H. Joseph PLLC receiving 27 1/3 percent and Costello, Cooney, Fearon, PLLC, receiving 6%.
7. That Alicia Calagiovanni, was appointed as the Public Administrator of Onondaga County and successor in interest to Warren Bader by Surrogate Ava S. Rafael on November 3, 2010, and became the public administrator on December 1, 2010, as such Alicia Calagiovanni, in her capacity of Public Administrator is substituted in the place of Warren Bader, as Plaintiff herein.
8. That Plaintiff filed a combined action for the wrongful death of Benjamin Okorie and pain and suffering in the Supreme Court of Onondaga County on or about April 20, 2011 and that said action was removed to this Court on the basis of diversity jurisdiction

without objection.

9. That the Defendants have offered the sum of -----REDACTED----- in full satisfaction of all claims asserted herein.
10. That the Public Administrator and the Decedent's wife have agreed that this amount is fair and reasonable.
11. The Costs and Disbursements outlaid by the Law Office of Michael H. Joseph PLLC, total -----REDACTED----- Based upon the Declarations submitted, the Court finds these amounts to be fair, reasonable and necessary to the prosecution of this action. The balance of the settlement after deduction for costs is -----REDACTED----- The attorney's fee amounts to -----REDACTED-----, out of which the Law Office of Michael H. Joseph PLLC shall receive -----REDACTED----- and out of which Costello, Cooney, Fearon, PLLC, shall receive -----REDACTED----- The remainder of the settlement amounts to -----REDACTED-----, which shall be paid to Lee Soh Mian, Malaysian Identification No.: 631222-10-7198, Malaysian Passport No.: 20547837.
12. That the parties have agreed that the terms of this settlement shall be kept confidential.
13. That the Public Administrator has recommended that the entire award be allocated to wrongful death.

IT IS on this 26th day of July, 2012,

ORDERED ADJUDGED AND DECREED:

1. That the Public Administrator and the Decedent's wife are authorized to compromise the instant wrongful death action and discontinue the action for conscious pain and suffering.
2. That the Public Administrator and the Decedent's wife are empowered and authorized, nunc pro tunc, to execute releases in favor of the Defendants and their affiliated companies contingent upon payment of the sum of -----**REDACTED**-----.
3. That within ninety days of the receipt of releases, the Defendants and/or their insurers shall cause the following payments to be made in the following manner:

(A) To the Law Office of Michael H. Joseph, PLLC, the sum of -----**REDACTED**-----, as reimbursement for costs and disbursements.

(B) To Costello, Cooney, Fearon, PLLC, the sum of -----**REDACTED**----- for fees earned as the Public Administrator.

(C) To the Law Office of Michael H. Joseph, PLLC, the sum of -----**REDACTED**----- for legal fees.

(D) To Lee Soh Mian, Malaysian Identification No.: 631222-10-7198, Passport No.: 20547837 the sum of -----**REDACTED**-----.

4. That the entire settlement amount is allocated to wrongful death.
5. That the Clerk of this Court is directed to dismiss the instant action.
6. That this Court shall retain jurisdiction to enforce the Settlement and this Order.

~~X That the Clerk of this Court is directed not to post this Order on the Court's electronic filing system and to file this Order under seal. PA~~

IT IS SO ORDERED

Dated: New York, N.Y.
July 26, 2012



Honorable Paul A. Crotty, U.S.D.J.